



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

REPLY TO THE ATTENTION OF: SE-5J

February 7, 2014

Mr. Jose Maldonado, President
Old Veteran Construction, Inc.
10942 South Halsted
Chicago, IL 60628

Dr. Steven Kornder
AECOM
750 Corporate Woods Parkway
Vernon Hills, Illinois 60061

RE: Completion of Work Under ASAOC Docket # V-W-13-C-002 (AKA 164 East Grand Avenue, Chicago, Illinois/Lindsay Light II Site, Site ID # 05YT OU20)

Dear Mr. Maldonado and Dr. Kornder:

On October 29, 2012, the United States Environmental Protection Agency (U.S. EPA) entered into an Administrative Settlement Agreement on Consent (ASAOC) Docket # V-W-13-C-002 with Standard Bank & Trust Co., as Trustee under Illinois Trust Number 21032, dated May 18, 2011 (Trust), in which the Trust agreed to perform specified activities including soil screening, removal and other activities ("the Work") at 164 East Grand Avenue, Chicago, Illinois (Site) and to reimburse U.S. EPA response costs associated with this Site. U.S. EPA and the Trust entered into an ASAOC because an Action Memorandum documented U.S. EPA's determination that radioactive materials present at the Site posed an imminent and substantial threat to the public health and the environment and explained the need for a time-critical removal action based on the impending development of the Site.

The terms of the ASAOC required that the Trust remove, transport and dispose of off-site all soils investigated that exceeded U.S. EPA's cleanup standard of 7.1 picoCuries per gram total radium (Ra226 and Ra228) established for Lindsay Light II. The ASAOC also provided that if the Trust did not radiologically investigate the entire Site or remediate thorium from the entire Site, then the Trust would establish U.S. EPA-approved institutional controls to control exposure to and release of thorium contamination. Those institutional controls will consist of an U.S. EPA

approved Environmental Covenant pursuant to the Uniform Environmental Covenants Act (765 ILCS Ch. 122), which will be recorded against the title to the Site. Pursuant to the ASAOC, the Trust submitted a work plan that U.S. EPA approved on December 6, 2012. On November 6, 2012, AECOM, the Trust's environmental consultant initiated the Work on 164 East Grand Avenue, which consisted of surveying a soil pile, while U.S. EPA reviewed the work plan.

Once the work plan was approved, U.S. EPA went to the Site on December 8, 2012, to perform radiological surveys and collect verification samples. Since December 8, 2012, U.S. EPA has made unannounced visits and has received several permits for work to be performed in either the Grand Avenue or St. Clair Street right-of-ways (ROW). Those right-of-ways are depicted in previously submitted ROW reports dated August 13, 2013, September 25, 2013, November 8, 2013, and either titled "Right of Way Utility Excavation at 554 North St. Clair Street" or "Right of Way Utility Excavation at 164 East Grand Avenue." The Trust completed its construction activities at 164 East Grand on or about December 1, 2013. If the Trust, its successors, assigns or trustee(s), conducts additional Work in the right-of-ways, then the Trust, its successors, assigns or trustee(s), will submit the documentation that the Work in the rights-of-ways has been completed. To be clear, this letter is to document the completion of the remediation work within the boundaries of the 164 East Grand Trust-owned property.

On February 3, 2014, AECOM submitted a Final Report meeting the requirements of Paragraph 21 of the ASAOC and documenting completion of the Work as required on 164 East Grand. The Final Report included documentation that the Trust shipped 12 cubic yards of thorium contaminated soil to U.S. Ecology in Grandview, Idaho, a disposal facility licensed to accept radioactive wastes, in accordance with Paragraphs 22 of the ASAOC. The Final Report also noted that the Trust did not screen the entirety of the fill materials at the Site in 18-inch lifts and it left radiologically-contaminated soils in place at the Site to avoid potentially undermining adjacent footings and sidewalks.

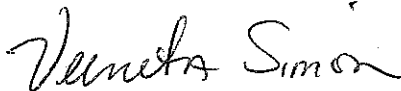
Accordingly, further radiological investigation in accordance with the U.S. EPA approved work plan will be required if excavation, exposure or intrusion is conducted at the Site in areas not previously screened or in areas of known radiological contamination and in any of the 164 East Grand rights-of-ways, including the Grand Avenue and St. Clair Street rights-of-ways. If subsurface soils are exposed or intruded upon and if radiological contamination is identified, that contaminated material must be properly managed and disposed of. As stated above, this letter reflects U.S. EPA's determination in accordance with Paragraph 79 of the ASAOC that the Trust has completed the Work on its property required by the ASAOC, with the exception of certain continuing obligations required by the ASAOC. The Trust has completed the removal of all radioactive materials that exceeded U.S. EPA's cleanup standard in the portions of the Trust-owned property that were radiologically investigated and accessible. Also, as noted in the preceding paragraph, the Trust did not radiologically investigate the entire Site and left

contaminated soil in-place. Accordingly, as one of the continuing obligations required by the ASAO, the Trust is required to establish U.S. EPA-approved institutional controls to control exposure to and release of thorium contamination that is present at the Site and that may be present at the portions of the Site that were not radiologically investigated. U.S. EPA, therefore, anticipates no need to take additional investigatory or cleanup action at this property unless new information warranting further Superfund consideration or conditions not previously known to U.S. EPA regarding the property are discovered.

This notice of completion in no way releases the Trust from any potential future obligations to perform additional work to address the same, or other, conditions at the Site should such work be the subject of a future U.S. EPA Administrative Order. Similarly, this notice of completion does not release the Trust from any recordkeeping, payment (including payment of certain response costs in accordance with Paragraph 40 of the ASAO), or other obligations under the ASAO that extend beyond the date of this notice.

Please contact me at (312) 886-3601, or Eugene Jablonowski, Superfund Health Physicist at (312) 886-4591, and direct legal inquiries to Mary Fulghum, Associate Regional Counsel at (312) 886-4683 or Cathleen Martwick, Associate Regional Counsel at (312) 886-7166, if have questions concerning this letter.

Sincerely,

A handwritten signature in cursive script that reads "Verneta Simon".

Verneta Simon, P.E.
On-Scene Coordinator

cc: Mort Ames, City of Chicago Department of Law
Thomas Baughman, Illinois Department of Public Health
John Kim, Illinois EPA
Adnan Khayyat, IEMA
Vince Oleszkiewicz, Leech Tishman
Terry Sheahan, City of Chicago Department of Health
Kimberly Worthington, City of Chicago Department of Fleet & Facility Management

bcc: Mary Fulghum, C-14J
Charlie Gebien, SE-5J
Eugene Jablonowski, SMF-5J
Debbie Keating, SE-5J
Cathleen Martwick, C-14J
Susan Pastor, SI-7J